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# LETTER DATED 26 FEBRUARY 1999 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 1160 (1998) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1160 (1998) of 31 March 1998 for the attention of the members of the Council, covering the work of the Committee from its establishment in April 1998 until the end of December 1998 (see annex).

The report was approved by the Committee on 26 February 1999.

(Signed) Celso L. N. AMORIM
Chairman
Security Council Committee established
pursuant to resolution 1160 (1998)

* Reissued for technical reasons.

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Annex

Report of the Security Council Committee established pursuant to resolution 1160 (1998)

1. The Security Council Committee established pursuant to resolution 1160 (1998) is submitting the present report to the Security Council in accordance with the provisions of paragraph 9 of the aforementioned resolution. The report covers the work of the Committee since its establishment (April-December 1998).

## I. PURPOSE AND MANDATE OF THE COMMITTEE

2. On 31 March 1998, acting under Chapter VII of the Charter of the United Nations, the Security Council adopted resolution 1160 (1998) by which, in paragraph 8, it decided that all States should prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, of arms and related matériel of all types and spare parts thereof, as well as the arming and training for terrorist activities there, and, in paragraph 10, called upon all States and all international and regional organizations to act strictly in conformity with the resolution. By imposing those prohibitions, the Council sought to contribute to fostering peace and stability in Kosovo. On 23 September 1998, the Council adopted resolution 1199 (1998), by which it recalled, in paragraph 7, the obligations of all States to implement fully the prohibitions contained in resolution 1160 (1998). In paragraph 11 of the same resolution, it requested States to pursue all means consistent with their domestic legislation and relevant international law to prevent funds collected on their territory being used to contravene resolution 1160 (1998).

3. The full mandate of the Committee is contained in paragraph 9 of Security Council resolution 1160 (1998), the pertinent parts of which read as follows:

> "The Security Council,
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> ...
>
> "Acting under Chapter VII of the Charter of the United Nations,
>
> ...
>
> "9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:
>
> "(a) to seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by this resolution;

"(b) to consider any information brought to its attention by any State concerning violations of the prohibitions imposed by this resolution and to recommend appropriate measures in response thereto;

"(c) to make periodic reports to the Security Council on information submitted to it regarding alleged violations of the prohibitions imposed by this resolution;

"(d) to promulgate such guidelines as may be necessary to facilitate the implementation of the prohibitions imposed by this resolution;

"(e) to examine the reports submitted pursuant to paragraph 12 ...".

4. At its first meeting, on 3 April 1998, the Committee elected Celso L. N. Amorim (Brazil) as Chairman and the delegations of Kenya and Portugal as Vice-Chairmen of the Committee for 1998. To date the Committee has held seven meetings. The present report was adopted by the Committee on 26 February 1999.

5. At its meeting on 6 May 1998, the Committee adopted guidelines for the conduct of its work, which were revised on 12 November 1998 to reflect pertinent provisions of Security Council resolutions 1199 (1998) and 1203 (1998). Those guidelines have been transmitted to all Member States.

## II. STATUS OF THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 1160 (1998)

6. In accordance with the provisions of paragraph 9 (e) of resolution 1160 (1998), the Committee considered replies received from States concerning the measures they had instituted for meeting the obligations set out in paragraph 12 of the resolution. To date, 53 replies have been received (see appendix). Most replies contained a brief statement to the effect that the State concerned had adopted all necessary measures to comply with the requirements of resolution 1160 (1998).

7. The Committee attaches paramount importance to the implementation by States, especially those bordering the Federal Republic of Yugoslavia, of the prohibitions contained in resolution 1160 (1998). It noticed with concern that Bosnia and Herzegovina remained the only State neighbouring the Federal Republic of Yugoslavia that had not yet reported on the steps taken to give effect to the established prohibitions.

8. The Secretariat of the Committee has kept the Security Council informed of the activities of the Committee through the reports submitted by the Secretary-General to the Security Council pursuant to resolutions 1160 (1998), 1199 (1998) and 1203 (1998).

9. In accordance with the approved guidelines, the Committee addressed four appeals to all States, requesting them to provide information relating to violation or alleged violation of the prohibitions established by the Security

Council in paragraph 8 of resolution 1160 (1998) and paragraph 11 of resolution 1199 (1998).

## III. COOPERATION WITH REGIONAL ORGANIZATIONS AND ESTABLISHMENT OF A MONITORING REGIME

10. At several meetings, the Committee considered reports on violations of the prohibitions established by the Security Council in its resolutions 1160 (1998) and 1199 (1998) received from relevant international organizations, together with information of the same kind gathered by the Secretariat from public sources.

11. In his report to the Security Council dated 5 August 1998 (S/1998/712), the Secretary-General submitted his recommendations for the establishment of a comprehensive monitoring regime in accordance with paragraph 15 of resolution 1160 (1998), which were subsequently endorsed by the Council. Taking into account the views of the Danube Commission, the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization (NATO) and the Western European Union (WEU), he informed the Council that although the organizations involved had stated their readiness to contribute actively to the monitoring of the prohibitions imposed by resolution 1160 (1998), the overall resources pledged by them would not allow for the establishment of a comprehensive monitoring regime as envisaged in resolution 1160 (1998). Nonetheless, their proposed contributions, coupled with that of the United Nations Preventive Deployment Force (UNPREDEP), provided a useful framework for reporting on violations of the imposed prohibitions and for assisting the Committee in discharging its mandate. (Consequently, those organizations were invited to forward to the Committee relevant information based on reports of their own monitors, or any other information that may be available to them, concerning violations or allegations of violations.

12. The Secretary-General also felt that in the absence of an integrated coordinating mechanism, it would be essential for representatives of participating organizations to hold periodic meetings, as necessary, to exchange information on the monitoring of the prohibitions established by the Security Council and to address practical issues arising thereto. On 12 November 1998, members were briefed on the first consultation meeting held on 19 October 1998 in New York. All members supported holding such meetings periodically. The second meeting on the monitoring of the arms embargo and other prohibitions was held on 14 December 1998 at the Vienna International Centre.

## IV. VIOLATIONS AND ALLEGATIONS OF VIOLATIONS

13. During the period covered by the report, the Committee received several reports on violations of the established prohibitions from organizations participating in the monitoring of the prohibitions contained in resolutions 1160 (1998) and 1199 (1998). While the Danube Commission, WEU and the NATO Stabilization Force reported their observations on the implementation of resolution 1160 (1998), EU (the European Community Monitoring Mission), the

Department of Peacekeeping Operations (UNPREDEP) and OSCE reported possible violations.

14. The Committee considers reports from participating organizations extremely useful since they enable it to approach States with a request to confirm or dispel alleged violations occurring on their territories or involving their citizens. Various reports enabled the Committee to contact the authorities of Albania with a request to provide information on reported movements of Kosovo Liberation Army (KLA) members and weapons from its territory in Kosovo. While the Committee noted with appreciation the reply received from the Albanian authorities, it reverted to them by letter for further clarification on measures taken under paragraph 8 of resolution 1160 (1998) as well as the reported presence of military camps and training facilities for KLA members inside the territory of Albania.

15. The Committee expressed concern at continued serious violations of the arms embargo and other prohibitions which, according to the information available to the Committee, had resulted in continuing military resupply and reinforcement of Kosovar Albanian armed groups. The Committee also recognized that, owing to the lack of a comprehensive monitoring mechanism, its information was limited, and that it therefore could not conclude that violations by others had been committed. It urged States, particularly those neighbouring the Federal Republic of Yugoslavia, to make every effort to comply fully with resolutions 1160 (1998) and 1199 (1998) in seeking to prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, of arms and related matériel of all types and to prevent the arming, training and financing of terrorist activities there. It also reiterated the responsibility of all States to support international efforts aimed at stabilizing the situation in Kosovo and enhancing the prospect of peace in the region by observing strictly the prohibitions contained in resolutions 1160 (1998) and 1199 (1998) and acting promptly when violations occur.

16. In accordance with the guidelines for the conduct of its work, the Committee regularly considers information concerning possible violations retrieved by its Secretariat from public sources. Accordingly, the Committee was apprised of the interception of arms and ammunition worth $1 million at the end of December 1998 by the Croatian authorities. In a letter addressed to the Committee, the Croatian authorities reported that an arsenal of illegal arms originating in Bosnia and Herzegovina and destined for Kosovo, Federal Republic of Yugoslavia, had been seized. The Committee commended the Croatian authorities for promptly informing it of the incident and of the legal action taken against the perpetrators of the violation. The Committee decided to seek clarification from the authorities of Bosnia and Herzegovina on the incident and the measures taken to prevent further such incidents. The Committee expressed its interest in receiving further information from the authorities of Croatia on the aforementioned incident, subject to completion of the investigation, as well as a reply from Bosnia and Herzegovina.

17. On 28 October 1998, the Government of Switzerland informed the Committee that supplementary surveillance measures had been agreed upon at a meeting between representatives of the Kosovo Foundation and representatives of the Department of Internal Affairs, which is the agency responsible for surveillance

of the Foundation; as a result of this agreement, blocks on the Kosovo Foundation bank accounts were withdrawn on 23 July. In response to a press report on violations of the arms embargo and other prohibitions involving Kosovar Albanians living in Germany, the Committee was informed, on 7 December, that the German authorities, while making efforts to curb dubious fund-raising activities, had been unable to establish that the funds were intended to arm or train terrorists in Kosovo or to purchase weapons for use there. On 3 December, the representative of Sweden informed the Committee that Swedish authorities were continuing to investigate mass media reports on the financing of KLA activities from Swedish territory, however no measures had been taken. Regarding a press article on a possible violation of the prohibitions established in paragraph 8 of resolution 1160 (1998) submitted to the Committee on 29 December, a letter requesting clarification was addressed to the Bulgarian authorities.

## V. OBSERVATIONS AND RECOMMENDATIONS

18. During the period under consideration, few substantive reports have been submitted by States on violations of the arms embargo and other prohibitions. With regard to States bordering the Federal Republic of Yugoslavia, only Croatia submitted an interim report, in December 1998, on an incident that occurred on its territory in contravention of resolution 1160 (1998). Given that the primary responsibility for the implementation of the prohibitions lies with States, the Committee would welcome a more proactive approach by Governments, especially with regard to their reporting on possible violations and on actions taken to prevent violations of resolution 1160 (1998). The Committee considers that it would be useful to encourage such an approach.

19. With a view to assisting and encouraging Governments in their endeavour to implement the arms embargo and other prohibitions, the Committee intends to consider sending a mission to the region, headed by the Chairman of the Committee, when appropriate.

20. All reports received so far relate to the flow of arms and funds to Kosovar Albanians in violation of paragraph 8 of resolution 1160 (1998). With the exception of one press report concerning a possible violation by the Federal Republic of Yugoslavia, all other press reports deal with the flow of arms and funds to Kosovar Albanians.

21. The Committee considers that an expert study on the military potential of the parties targeted by resolution 1160 (1998), including their external financing in violation of paragraph 11 of resolution 1199 (1998), which would be conducted within existing resources, may assist it to better understand the scope, dynamics and gravity of possible violations. The Committee intends to pursue discussion of the feasibility and possible modalities of commissioning such a report at its future meetings.

22. The Committee underlines the importance of the mandate given to UNPREDEP under Security Council resolution 1186 (1998) to monitor and report on illicit arms flows and other activities that are prohibited under resolution 1160 (1998). UNPREDEP has reported to the Committee on possible violations.

Strengthened cooperation between UNPREDEP and the authorities of the former Yugoslav Republic of Macedonia, in particular its border control personnel, may allow the Committee to identify and pursue possible violations, in accordance with its mandate.

23. The Committee has noted that few States have transmitted specific information pursuant to paragraph 12 of resolution 1160 (1998) on steps taken to give effect to the prohibitions contained in paragraph 8 of the resolution. Only a few States indicated what measures in fact had been taken to give effect to the prohibitions established by the Security Council. The development of more uniform reporting requirements by the Secretariat may be of some assistance to address this issue and would also allow the Committee to provide the Council with more accurate information on States' compliance with the established prohibitions.

24. In fulfilling its mandate, the Committee continues to rely heavily on the assistance of relevant international organizations. In this context, it appreciates the commitment made by OSCE to make necessary adjustments in its reports, enabling the Committee to retrieve swiftly pertinent information on possible violations. The Committee encourages OSCE and other organizations participating in the comprehensive monitoring regime under resolution 1160 (1998) - NATO, WEU, EU and the Danube Commission, as well as the OSCE and NATO verification missions mentioned in resolution 1203 (1998) - to intensify their reporting efforts in order to further support the Committee's fulfilment of its mandate. The Committee considers that it would be useful to study ways to improve the monitoring and enforcement of the prohibitions established by resolution 1160 (1998).

25. The role of the Committee in assisting current political and diplomatic efforts aimed at fostering stability in Kosovo and peace in the region by observing States' compliance remains meaningful. Its members are determined to make every effort to maximize the Committee's contribution to achieving the objectives set out by the Council in its relevant resolutions.

## Appendix

States (in chronological order of submission) that reported in accordance with paragraph 12 of Security Council resolution 1160 (1998) on the steps taken to give effect to the prohibitions imposed by that resolution

| | State | Date of report | Document symbol |
|---|---|---|---|
| 1. | Uruguay | 23 April 1998 | S/AC.35/1998/1 |
| 2. | Norway | 23 April 1998 | S/AC.35/1998/2 |
| 3. | Armenia | 27 April 1998 | S/AC.35/1998/3 |
| 4. | Czech Republic | 28 April 1998 | S/AC.35/1998/4 |
| 5. | Singapore | 28 April 1998 | S/AC.35/1998/5 |
| 6. | Sweden | 29 April 1998 | S/AC.35/1998/6 |
| 7. | Slovenia | 29 April 1998 | S/AC.35/1998/7 |
| 8. | United Kingdom of Great Britain and Northern Ireland | 30 April 1998 | S/AC.35/1998/8 |
| 9. | France | 30 April 1998 | S/AC.35/1998/9 |
| 10. | Fiji | 22 April 1998 | S/AC.35/1998/10 |
| 11. | South Africa | 28 April 1998 | S/AC.35/1998/11 |
| 12. | Portugal | 30 April 1998 | S/AC.35/1998/12 |
| 13. | Saudi Arabia | 29 April 1998 | S/AC.35/1998/13 |
| 14. | Finland | 30 April 1998 | S/AC.35/1998/14 |
| 15. | Poland | 5 May 1998 | S/AC.35/1998/15 |
| 16. | Slovakia | 30 April 1998 | S/AC.35/1998/16 |
| 17. | Brazil | 6 May 1998 | S/AC.35/1998/17 |
| 18. | Romania | 5 May 1998 | S/AC.35/1998/18 |
| 19. | Austria | 8 May 1998 | S/AC.35/1998/19 |
| 20. | Belarus | 30 April 1998 | S/AC.35/1998/20 |
| 21. | Turkey | 6 May 1998 | S/AC.35/1998/21 |
| 22. | Monaco | 6 May 1998 | S/AC.35/1998/22 |
| 23. | Hungary | 7 May 1998 | S/AC.35/1998/23 |
| 24. | Malta | 12 May 1998 | S/AC.35/1998/24 |
| 25. | Ukraine | 13 May 1998 | S/AC.35/1998/25 |

| | State | Date of report | Document symbol |
|---|---|---|---|
| 26. | Switzerland | 11 May 1998 | S/AC.35/1998/26 |
| 27. | Bulgaria | 15 May 1998 | S/AC.35/1998/27 |
| 28. | Iran (Islamic Republic of) | 13 May 1998 | S/AC.35/1998/28 |
| 29. | The former Yugoslav Republic of Macedonia | 18 May 1998 | S/AC.35/1998/29 |
| 30. | Spain | 20 May 1998 | S/AC.35/1998/30 |
| 31. | Japan | 21 May 1998 | S/AC.35/1998/31 |
| 32. | Cyprus | 14 May 1998 | S/AC.35/1998/32 |
| 33. | Bahrain | 26 May 1998 | S/AC.35/1998/33 |
| 34. | Italy | 27 May 1998 | S/AC.35/1998/34* |
| 35. | Belgium | 1 June 1998 | S/AC.35/1998/35 |
| 36. | Thailand | 2 June 1998 | S/AC.35/1998/36 |
| 37. | Kenya | 8 May 1998 | S/AC.35/1998/37 |
| 38. | United States of America | 18 May 1998 | S/AC.35/1998/38 |
| 39. | Australia | 12 June 1998 | S/AC.35/1998/39 |
| 40. | Malaysia | 17 June 1998 | S/AC.35/1998/40 |
| 41. | New Zealand | 18 June 1998 | S/AC.35/1998/41 |
| 42. | Latvia | 2 June 1998 | S/AC.35/1998/42 |
| 43. | Lithuania | 11 June 1998 | S/AC.35/1998/43 |
| 44. | Greece | 1 July 1998 | S/AC.35/1998/44 |
| 45. | Germany | 28 April 1998 | S/AC.35/1998/45 |
| 46. | Liechtenstein | 20 July 1998 | S/AC.35/1998/46 |
| 47. | Republic of Korea | 17 June 1998 | S/AC.35/1998/47 |
| 48. | Chile | 19 August 1998 | S/AC.35/1998/48 |
| 49. | Albania | 8 July 1998 | S/AC.35/1998/49 |
| 50. | Croatia | 24 August 1998 | S/AC.35/1998/50 |
| 51. | Ireland | 28 September 1998 | S/AC.35/1998/51 |
| 52. | Russian Federation | 2 October 1998 | S/AC.35/1998/52 |
| 53. | Israel | 16 October 1998 | S/AC.35/1998/53 |

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